

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

MICHAEL SCOTT, \*  
Plaintiff, \*  
vs. \* CASE NO. 4:10-CV-90 (CDL)  
MICHAEL J. ASTRUE, Commissioner \*  
of Social Security, \*  
Defendant \*  
\_\_\_\_\_  
\*

ORDER ON REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE

After a *de novo* review of the record in this case, the Report and Recommendation filed by the United States Magistrate Judge on June 29, 2011 is hereby approved, adopted, and made the Order of the Court.

The objections of the Plaintiff have been considered and are found to be without merit. To the extent that the Report and Recommendation could be interpreted to find that Plaintiff waived his claim when he did not present it to the ALJ, the Court does not adopt that finding; however, the Court finds that Plaintiff cannot prevail even if he did not waive his claim. Substantial evidence in the record as a whole supports the Administrative Law Judge's decision and supports the Appeals Council's determination that additional evidence would not have changed the ALJ's decision.

IT IS SO ORDERED, this 2nd day of September, 2011.

s/Clay D. Land  
CLAY D. LAND  
UNITED STATES DISTRICT JUDGE